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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/719,639	09/25/1996	SHANE D. MATTAWAY	N0003/7013	9685

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EXAMINER

HSU, ALPUS

ART UNIT PAPER NUMBER

2665

DATE MAILED: 05/07/2002

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/719,639

Applicant(s)

MATTAWAY ET AL.

Examiner

Alpus H. Hsu

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2665

1. In the entire specification, the applicant is requested to update the status from time to time for all of the listed related co-pending applications.
2. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1, 12, 23 and 31, it is unclear as to how the telephony processes can be connected to a packet-switched computer network since a telephony process can only be executed or performed by certain type of device or system, and is not intended for connecting purpose.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2665

4. Claims 1, 12, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over OBERLANDER et al. (of record) in view of SCAGNELLI et al. in U. S. Patent No. 5,816,919 or SAXE in U.S. Patent no. 5,636,346 (both newly cited).

By broadly interpreting the message including header transmitted as the claimed call packet, and the network processing the message utilizing controller (or computer) and databases as the claimed packet-switched computer network, OBERLANDER et al. discloses a method, apparatus and computer program product for selectively alerting user of an incoming communication over a computer network (101, 104 and 106) by receiving an incoming communication containing an information profile (Fig. 3) identifying the source of the incoming communication, and responding to the incoming communication in accordance with the identity of the source, providing source physical address or telephone number in the information profile (see Figs. 1 and 5, col. 3, line 33 to col. 5, line 24, col. 8, lines 15-50) as in claims 1, 12, 23 and 31.

OBERLANDER fails to disclose the feature of including, in addition to the source telephone number, any of the first name, last name, street, apartment, city, state, country, postal code, facsimile or company data associated with the source in the user info field of the information profile. However, OBERLANDER et al. does disclose the possibility of adopting any other categories of information in the incoming communication to accommodate the needs of a particular application (see col. 5, lines 12-15). The information profile that includes the first name, last name, street, apartment, city, state, country, postal code, facsimile or company data associated with the user is well known in the art. SCAGNELLI et al. and SAXE, for example, from the similar field of endeavor, provides such feature of providing user/subscriber

Art Unit: 2665

profile information including the first name, last name, street, apartment, city, state, country, postal code, facsimile or company data associated with the user (see col. 3, lines 16-46, col. 4, line 17 to col. 5, line 47 in SCAGNELLI et al., and col. 1, line 56 to col. 2, line 31, col. 4, lines 18-54 in SAXE) as claimed. Therefore, if the particular application involves communications between users requiring the user's personal profile information, it would have been obvious to one of ordinary skill in the art to include the first name, last name, street, apartment, city, state, country, postal code, facsimile or company data associated with the user into the user information profile of the system in OBERLANDER to provide additional data associated with the source in the data transmitted to provide user profile update in the system database and to provide further detail information regarding source at the destination end of the communication system for improving personalized end-to-end user communication.

5. Claims 2-11, 13-22, 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlander et al. (of record) in view of SCAGNELLI et al. in U. S. Patent No. 5,816,919 or SAXE in U.S. Patent no. 5,636,346 (both newly cited), as applied to claims 1, 12 and 23 above, and further in view of Blonder et al. (of record).

Considering claims 2-8, 13-19, 24-30, the system provided from the teaching of Oberlander et al. in view of SCAGNELLI et al. or SAXE does not teach the generation of a notification signal, nor its association with the information profile. Blonder et al. teaches a method and apparatus for using a communication system to alert a transaction user by including a database for receiving information and storing a profile, including a processor for retrieving the profile from the database and comparing information associated with the profile, and a network, over which a notification signal is transmitted (see Fig. 1, col. 5, lines 33-47, col. 7, lines 21-39).

Art Unit: 2665

It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the invention of Oberlander et al. in view of SCAGNELLI et al. or SAXE to include the notification signal found in the teaching of Blonder et al. because of the advantage that it allows the system to be equipped with device for notifying the user and accommodates a wide variety of communication platforms, and allows the user to better control reception of incoming messages to best suit their own particular needs (see Oberlander et al., col. 2, lines 11-16).

Considering claims 9-11, 20-22, the combination of system and method provided from the teaching of Oberlander et al. in view of SCAGNELLI et al. or SAXE , and Blonder et al. fails to teach a notification signal as being an audio signal, a graphic image signal or a haptic sensor signal. The examiner takes Official Notice that the concept and the advantage of providing a notification signal which includes an audio signal, a graphic image signal or a haptic sensor signal are well known and expected in the art. It would have been obvious to include audio signal, graphic image signal or haptic sensor signal to the notification signal provided from the teaching of Oberlander et al. in view of SCAGNELLI et al. or SAXE , and Blonder et al. since the audio, graphic image signal and haptic sensor signal are known to provide the user with auditory, visual and sensible feedback to the communication system for user alerting purpose.

6. Applicant's arguments filed Feb. 4, 2002 have been fully considered but they are not persuasive.

In the remark, regarding 112, 2nd paragraph, the applicant argues that it is the processors or computers that executing software program are coupled to the packet-switched network. However, the applicant fails to amend the claims accordingly to reflect the physical

Art Unit: 2665

connection between the processors or computers and the packet-switched network. Therefore, the rejection under 112, 2nd paragraph has been sustained.

Furthermore, regarding 103(a) rejection, the applicant argues the official notice taken by the examiner is improper since the feature of information profile that includes the first name, last name, street, apartment, city, state, country, postal code, facsimile or company data associated with the user is not well known in the art. The examiner disagrees, nevertheless, cites two additional references for supporting this well known feature. In view of the above reasoning, the rejection under 103(a) has also been sustained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

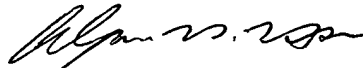
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (703)305-4377. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

Art Unit: 2665

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (703)308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

AHH
May 3, 2002


Alpus H. Hsu
Primary Examiner
Art Unit 2665